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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,999	12/03/2001	Lowell C. Douglas	DOUG 100 CIP	8331

7590

06/29/2004

Sherri Padgett  
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EXAMINER

PASSANITI, SEBASTIANO

ART UNIT PAPER NUMBER

3711

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/010,999	<b>Applicant(s)</b> DOUGLAS ET AL.	
	<b>Examiner</b> Sebastiano Passaniti	<b>Art Unit</b> 3711	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office action is responsive to communication received 05/13/2004 –  
Response.

Claims 1-17 have been canceled, as directed.

Claims 18-27 remain pending.

Following is an action on the MERITS:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, 21, 22, 24, 25, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer. As to claim 18, note putter head (11) including an elongated shaft (13), an intermediate hosel (12) that connects the shaft to the head, the head having a top (20), a bottom (17) and a face (16). Figure 1 clearly shows that the hosel (12) includes multiple bends that form the elements (38, 39, 40, 41). As to claim 21, at least elements (38) and (39) form a ninety-degree relationship with respect to one another as do elements (40) and (41), as shown in Figure 1. As to claim 22, the hosel is integrally formed with the head. As to claim 24, portion (40) is deemed to be a lateral

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portion extending along the length of the top surface of the putter head. As to claim 25, element (39) forms a portion of a bend that protrudes forward of the plane of the striking face and overhangs a golf ball in an address position (Figure 2). As to claims 26 and 27, the amount of the overhang is shown as being about one-tenth to one-half inch of the diameter of the golf ball.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer in view of Miller. At the outset, note that Meyer details that the striking face may have a slight loft angle, but does not specifically detail a positive loft or zero loft. Miller shows it to be old in the art to incorporate any one of a positive loft, negative loft or zero loft within the striking face (col. 2, lines 41-58). It is known that a positively lofted face provides a struck ball with a measurable degree of lift while a negatively lofted face offers an increase in over-spin of a struck ball. See the further distinctions provided by Miller in col. 4, lines 1-23 insofar as the type of face arrangement. In view of the patent to Miller, it would have been obvious to modify the device in the cited art reference to Meyer by including a zero or positive loft to the face (16), the motivation being to promote topspin or a small degree of skidding, as desired.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer in view of Montgomery. Meyer does not specifically detail that the hosel is separately formed and subsequently attached to the head. Montgomery shows it to be old in the art to include a hosel as an integral part of the head or alternatively as a separate part that is attached to the head (col. 4, lines 21-24). Moreover, the patent laws have made it clear that the mere fact that a given structure is integral does not preclude its

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consisting of various elements. See Nerwin v. Erlichman, 168 USPQ 177, 179 (PTO Bd. of Int. 1969). In view of the patent to Montgomery and the above reasoning, it would have been obvious to modify the device in the cited art reference to Meyer by forming the hosel as a separate piece and later attaching the hosel to the head, the motivation being to take advantage of another common assembly technique. Note, since claim 23 is presented as a structure claim, it is clear that the manner of assembling the hosel to the head, using either an integral or separate construction does not appear to alter the appearance and function of the final product. Thus, the fact that the hosel is claimed as being separately formed would not appear to structurally limit the claimed device.

Claims 19-24 are objected to because of the following informalities: It would appear that these claims should depend from claim 18, as claim 1 has been canceled, as directed by the applicant. Appropriate correction is required.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koorland (Fig. 2), Solheim (Fig. 1), Collins (Fig. 3) and Delio (Fig. 2) show putter-style club heads having hosel arrangements, of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 703-308-1006. The examiner can normally be reached on Mon-Fri (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sebastiano Passaniti  
Primary Examiner  
Art Unit 3711

S.Passaniti/sp  
June 24, 2004